

**PLANNING BOARD  
TOWN OF MARILLA**

Date: October 19, 2006

Present: Debbie Zimmerman, Chairman                      George Gertz, Town Board  
          Nathan Barnard, Co-Chairman                    John Fronczek, CEO  
          Rich Janiga     Robert Miller, Consult  
          Dan Handy  
          Paul Domanowski  
          Tom Wantuck

Absent: Judy Gillman

Guests: None

- I. Debbie Zimmerman, Chairman, opened the Planning Board meeting at 7:00 p.m.
- II. **MOTION** to accept September minutes moved by Dan Handy, seconded by Paul Domanowski. All in favor – 6 ayes.
- III. New Business

Councilman George Gertz stated the Town Board is referring the B-1 zoning issue for Berner to the P.B. The B district is 500 x 500 feet and Leon Berner sold 400 x 600 feet which leaves 100 feet of B district located on Two Rod Road. Leon Berner sold 600 feet on Clinton Street but only 500 feet is B district leaving 100 feet of A district and would like to start District B-1 from this point. Councilman Gertz stated the Town Board is not fully in favor of rezoning to B-1. CEO John Fronczek stated Leon Berner did submit a rezone application.

Bob Miller handed out an example of the Village of Ellicottville's Petition for Rezoning. Bob Miller also distributed a Short Environmental Assessment Form and Full Environmental Assessment Form which are formatted by the NYSDEC and should be attached to this application. These forms are also available on the SEQR website. Tom Wantuck stated rezoning is a big step and these forms should be required. Councilman George Gertz stated he will show the forms to the Town Board. Bob Miller stated we should have a schedule of fees located in the Code Book.

Dan Handy felt the Petition for Rezoning looks good along with the short form and long form if felt necessary. Bob Miller suggested Nathan Neill review the short and long forms to determine which one is needed.

**MOTION** by Rich Janiga, seconded by Dan Handy, to recommend approval of the Petition for Rezoning with the Short Environmental Assessment Form and if felt warranted, the Full Environmental Assessment Form.

Roll call vote:

Tom Wantuck- aye

Dan Handy – aye

Paul Domanowski– aye

**Motion carried.**

Nathan Barnard – aye

Rich Janiga – aye

Debbie Zimmerman - aye

IV. CEO Report

None.

V. Town Board

Councilman George Gertz questioned the outcome of the Application for B-1 regarding Leon Berner. The P.B. requested it to be referred by the Town Board. The proposed Code Book is currently on line along with a hard copy in the Town Clerks Office. The Planning Board requested 8 copies of the Code Book.

**MOTION** by Dan Handy, seconded by Rich Janiga to request a lap top computer for the Chairman of the Planning Board.

VI. Open Presentations from the Floor

Bob Miller handed out an article from the Cheektowaga Times regarding temporary storage structures (PODS). Depew is going to put something in their zoning regulations to address the storage units regarding size, location, and how long they stay there. Bob Miller requested information from the NYS Department of State.

VII. **MOTION** to adjourn at 7:50 p.m. Rich Janiga moved, seconded by Tom Wantuck, all in favor 6/0.

Respectfully submitted,

Laura Nuttle, Clerk